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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,395	07/11/2003	Kazuo Kuroda	Q75966	3407

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EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/617,395

**Applicant(s)**

KURODA ET AL.

**Examiner**

Thang V. Tran

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The amendment dated 2/27/06 has been considered with the following results:

***Claim Rejections - 35 USC § 112***

1. Claims 5-40 are objected to under 37 CFR 1.75 (a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5:

It is unclear why a phase comparator is provided or a phase difference signal is generated, last three lines, since it has never been used later in the claim. Accordingly, claim 5 recites an incomplete claimed invention.

In claims 15, 23 and 33:

See the rejection applied to claim 5 above.

Claims 6-14, 16-22, 24-32 and 34-40 fall with their respective parent claim.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10, 20 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear the specification originally contains the written description of all limitations recited in claims 10, 20 or 28 operated relatively with a phase comparison as recited in their respective parent claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami (US 4, 761,775) cited by Applicant.

Regarding claim 5, see Figs. 2-5 of Murakami which show an information data recording apparatus (see Fig. 4) for recording information data on a recording medium (1) having a recording track on which information data is recorded and prerecorded data (12) which are preformed on a portion different from the information recording track at periodic interval (see Fig. 1-3), the apparatus (see Fig. 14) comprising: a memory (142) for temporarily storing the information data to be recorded on the recording medium (11) and supplying the information in synchronism with a clock signal (see column 5, lines 14-18); a prerecorded data signal reproducing circuit (129) for detecting the prerecorded data (12) and generating a prerecorded data signal (a clock pit signal c); a clock signal generating circuit (130) for generating the clock signal based on the prerecorded data signal; a recording device (140, 121, 112) for recording the information data supplied from the memory (142) on the recording track of the recording medium, and a phase comparator (134) which generating a phase difference signal relative to the prerecorded data signal by a phase comparison with a reference signal (signal from OSC 136) that has an interval shorter than an interval of a synchronization signal include in the prerecorded

data signal (see a period of reference signal d which has period shorter than that of signal c as shown in Fig. 5). Note: see column 3, line 17 to column 5, line 25 for further details.

Regarding claim 6, see OSC (36) as a reference signal generator that generates the reference signal (clock signal) and the memory (142) stores data in synchronism with the reference signal (clock signal) as recited in claim.

Regarding claims 7 and 8, for limitations in these claims, see circuit 131 including PLL circuit 130 comprising: a voltage controlled oscillator (136); a phase comparator (134); and an equalizing circuit (135) as recited in these claims.

Regarding claim 11, see clock signal outputted from OSC 36 for limitation recited in this claim.

Regarding claim 12, see Figs. 2 and 3 for the periodic interval (P) of the prerecorded data (clock pit 12) as recited in this claim.

Regarding claim 13, see Fig. 2 for other prerecording data (address prepits 16) performed at a second interval smaller than the first interval.

Regarding claim 14, see Figs 2 and 3 for limitations of the unit period and unit length or bi interval as recited in this claim.

Regarding claim 15, see the rejection applied to claim 5 above.

Regarding claim 16, see the rejection applied to claim 6 above.

Regarding claims 17 and 18, see the rejection applied to claims 7 and 8 above.

Regarding claim 21, see the rejection applied to claim 11 above.

Regarding claim 22, see the rejection applied to claim 14 above.

Regarding claim 23, see the rejection applied to claim 5 above.

Regarding claim 24, see the rejection applied to claim 6 above.

Regarding claims 25 and 26, see the rejection applied to claims 7 and 8 above.

Regarding claim 29, see the rejection applied to claim 11 above.

Regarding claim 30, see the rejection applied to claim 12 above.

Regarding claim 31, see the rejection applied to claim 13 above.

Regarding claim 32, see the rejection applied to claim 14 above.

Regarding claim 33, see the rejection applied to claim 5 above.

Regarding claim 34, see the rejection applied to claim 6 above.

Regarding claims 35 and 36, see the rejection applied to claims 7 and 8 above.

Regarding claim 39, see the rejection applied to claim 11 above.

Regarding claim 40, see the rejection applied to claim 14 above.

### ***Response to Arguments***

5. Applicant's arguments filed 2/27/06 have been fully considered but they are not persuasive. Applicant argues that at least one difference between exemplary embodiment of the present invention and the applied art is that Murakami does not disclose, teach or suggest that a monotonically increasing signal having a period equal to a frame synchronization period is generated by a counter and a clock signal is generated by sample-holding the monotonically increasing signal at an input timing of the prepit detection signal. Applicant should note that Applicant argues limitations that are not in the claims, but in the specification; therefore, the limitations ***“a monotonically increasing signal having a period equal to a frame synchronization period is generated by a counter and a clock signal is generated by sample-***

*holding the monotonically increasing signal at an input timing of the prepit detection signal”* cannot be read into the claims for the purpose of avoiding the prior art.

Also, Applicant’s attention is drawn to a phase comparison (134) in Figs. 4 and 5 that show reference signal (d) for the phase comparison has a period shorter than that of signal (c) of the prerecorded data signal (see Fig. 5) as further recited in claim 5, 15, 23 and 33.

Further, the changes in claims 10, 20 and 38 make the limitations in these claims lack of support in the specification because the phase comparator 15 and/or 16 pointed out by applicant is not a phase comparator used to control a voltage controlled oscillator 521 as recited in claims 10, 20 and 38, but the voltage controlled oscillator 521 is controlled by the output signal of a phase comparator 522.

Accordingly, Murakami, according to Figs. 1-5, discloses all the features of the instant claimed invention as pointed out in the above rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thang V. Tran  
Primary Examiner  
Art Unit 2627